

**RECEIVED  
CENTRAL FAX CENTER****DEC 28 2006**

Attorney Docket Number: FSP0354  
Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER (37 C.F.R. 1.137)**

Attorney Docket Number: FSP0354  
Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615  
Filing Date: 11/08/2001

**Summary of Petition**

Applicants received a Notice of Abandonment dated August 22, 2006, for the above-identified application. The Notice of Abandonment cites a failure to respond to a Notice of Drawing Inconsistency mailed May 31, 2005, which was allegedly mailed to Applicants' then attorney of record, Oblon Spivak.

Applicants submit that the Notice of Drawing Inconsistency was never received in the receiving room of Oblon Spivak, as evidenced by the attached declaration from Oblon Spivak. This application was subsequently transferred to attorney Charles Mirho of FSP LLC. The Notice of Drawing Inconsistency does not appear in the file wrapper transferred to FSP LLC; further the Notice of Drawing Inconsistency was never received in the offices of FSP LLC.

Applicants are aware that the Office has acknowledged recent problems with its mail vendor. Based on said problems with the mail vendor and the evidence of non-receipt of Office action, applicants respectfully request that the holding of abandonment be withdrawn in this application.

Attorney Docket Number: FSP0354  
Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615

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As required under 37 C.F.R. 1.137, included with this petition is a reply to the outstanding Office action. Applicants believe that no fee is required to process this petition. However, if the Office determines that a fee is required, please charge said fee to Deposit Account 501691.

In light of the foregoing, the undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature     /Charles A. Mirho/                      Date: 12/15/2006  
Charles A. Mirho  
Reg. 41,199  
Attorney for Applicant

Address all correspondence to:

FSP LLC

Attn: Charles A Mirho

P.O. Box 890

Vancouver, WA 98666-0890

USA

Phone: 360-737-1748

Fax: 360-294-6426

Attorney Docket Number: FSP0354  
Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615

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-1-

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**AMENDMENT AND RESPONSE TO NOTICE OF DRAWING  
INCONSISTENCY**

Attorney Docket Number: FSP0354  
Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615  
Filing Date: 11/08/2001

**Summary of Notice of Drawing Inconsistency**

Applicants received a Notice of Drawing Inconsistency with Specification dated May 31, 2006, for the above-identified application. The Notice of Drawing Inconsistency indicates that Figures A1-A5 listed in the Brief Description of the Drawings are not contained in the Drawings, and that Figures 18-23 contained in the Drawings are not listed in the Brief Description of the Drawings in the Specification.

Applicants submit herewith an Amendment to the Specification to correct this inconsistency.

Amendments to the Specification begin on page 2.

Remarks begin on page ~~3~~ 4

Attorney Docket Number: FSP0354  
Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615

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### Amendments to the Specification

Please replace the paragraph at page 4, lines 19-20, with the following amended paragraph:

Figures ~~[[A1-A5]]~~ 18-23 illustrate nonlinear circuits discussed in Appendices A and B.

Please replace the first full paragraph on page 16, Appendix A, with the following paragraph:

Let the excitation signal (voltage  $V$  or current  $I$ ) to a one-port non-linearity ~~[[Figure A1]]~~ be a single complex phasor or a summation of a finite number of complex phasors.

Please replace the third paragraph (the paragraph that begins immediately after the heading Examples of One-Port Non-linearity's) on page 16, Appendix A, with the following paragraph:

A single diode ~~[[Figure A2]]~~ with a bias current  $I_0$  is considered. The diode equation is given by

Please replace the paragraph immediately preceding equation A-9a on page 17, Appendix A, with the following paragraph:

The next example of a one-port non-linearity consists of an even number of identical diodes arranged in an anti-series configuration ~~[[Figure A3]]~~. If  $n$  is the number of diode pairs, we have,

Please replace the paragraph immediately following equation A-10 on page 17, Appendix A (last paragraph on the page), with the following paragraph:

Therefore, this type of one-port circuit generates only odd-order non-linear components. ~~[[The equivalent voltage source network is shown in Figure A4.]]~~

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Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615

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Please replace the second paragraph on page 18, Appendix B, with the following paragraph:

Referring to the ~~[[equivalent circuit of Figure A5 (and also Fig. A6)]]~~ circuit of Figure 5a, and similar circuits, the non-linear current delivered by  $V_{nl}$  is

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Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615

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#### Remarks

The Notice of Drawing Inconsistency dated May 31, 2006 indicates that Figures A1-A5 listed in the Brief Description of the Drawings are not contained in the Drawings, and that Figures 18-23 contained in the Drawings are not listed in the Brief Description of the Drawings in the Specification.

#### Conclusion

Applicants have amended the Specification herein to remove Figures A1-A5 from the Brief Description of the Drawings and to include Figures 18-23 in the Brief Description of the Drawings.

Applicants are submitting herewith a Petition to Withdraw Holding of Abandonment under 37 C.F.R. 1.137. The issue and publication fees for this application were paid on April 19<sup>th</sup>, 2006. Applicants submit that this application is now in condition for grant and therefore respectfully requests that the application proceed to issuance.

Signature     /Charles A. Mirho/     Date: 12/15/2006  
Charles A. Mirho  
Reg. 41,199  
Attorney for Applicant

Address all correspondence to:

FSP LLC

Attn: Charles A Mirho

P.O. Box 890

Vancouver, WA 98666-0890

USA

Phone: 360-737-1748

Fax: 360-294-6426

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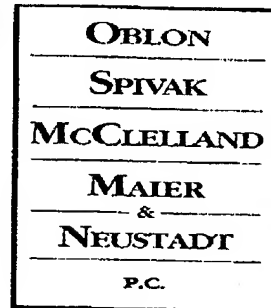
DEC 28 2006

December 15, 2006

*Via Electronic Mail*

Mr. Charles Mirho  
C-COR INCORPORATED  
60 Decibel Road  
State College, PA 16801

Re: U.S. Application Serial No: 10/010,615



ATTORNEYS AT LAW

JAMES J. KULBASKI  
(703) 413-3000  
JKULBASKI@OBLON.COM

MICHAEL E. MONACO  
(703) 413-3000  
MMONACO@OBLON.COM

Dear Mr. Mirho:

In response to your email of December 11, 2006, attached please find a Declaration of Non-Receipt of the Notice of Drawing Inconsistency with Specification. You may attach and file this document with your new Petition to Withdraw from Abandonment.

If you should have any questions or comments, please be certain to contact us.

With best regards,

Very truly yours,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT P.C.

A handwritten signature in black ink, appearing to read 'J. Kulbaski'.

James J. Kulbaski

JKK/MEMO/rle

Enclosures: Declaration of Non-Receipt of the Notice of Drawing Inconsistency with  
Specification

cc: Mark Savereno (CCOR)

I:\ATTY\MM\24\S\249240USLTR TO CCOR 12-15-06.doc

1940 DUKE STREET ■ ALEXANDRIA, VIRGINIA 22314 ■ U.S.A.  
TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ WWW.OBLON.COM

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DEC 28 2006

DOCKET NO: 249240US28

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
SOMNATH MUKHERJEE, ET AL. : EXAMINER: WELLS, KENNETH B.  
SERIAL NO: 10/010,615 :  
FILED: NOVEMBER 8, 2001 : GROUP ART UNIT: 2816  
FOR: LOSSY LINEARIZERS FOR :  
ANALOG OPTICAL TRANSMITTERS :

DECLARATION OF NON-RECEIPT OF THE NOTICE OF  
DRAWING INCONSISTENCY WITH SPECIFICATION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Regarding the Notice of Abandonment dated August 22, 2006, it is hereby declared that the firm Oblon, Spivak, McClelland, Maier and Neustadt, P.C. did not receive the Notice of Drawing Inconsistency with Specification from the U.S. Patent and Trademark Office (U.S. PTO) with the mail date of May 31, 2006.

Attached herewith are copies of the firm's daily computer mail log and manual docketing log. All mail received from the U.S.PTO is logged in the mail log by serial number or patent number, along with a description of the mail received on a daily basis. Mail from the U.S. PTO is generally received by our firm within two to three days of mailing. However, to ensure a complete investigation, the daily mail log was checked from May 31, 2006 through June 14, 2006 and was found to contain no record of the firm having received the U.S. PTO Communication dated May 31, 2006 for the above-identified application.



Application NO.: 10/010,615

Inventor: Somnath Mukherjee, et al.

Declaration of Non-Receipt of the Notice of Drawing Inconsistency With Specification

The firm also maintains a docket book in which all due dates are manually logged to avoid loss of dates due to inaccessibility to the computer because of power failures and the like. The manual due date book was checked and no due date was found entered for the subject application on May 31, 2006.

In light of the foregoing, the undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



James J. Kulbaski  
Attorney of Record  
Registration No. 34,648

Michael E. Monaco  
Registration No. 52,041

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)

I:\ATTY\MM\24'S\249240US\PETITION TO WITHDRAW FROM ABANDONMENT 12-13-06.DOC

## PTO Mail Log Report

From 05/31/2006 to 06/14/2006

Mail Type	CID/F.R.	Application #	Patent #/Reg #	Case Id	Base Date	Date Rcvd
N/DWG REQ		10/490,704	7,088,304	251113US	05-31-2006	06-02-2006
N/DWG REQ		10/910,635	7,097,415	256281US	06-05-2006	06-07-2006

2006 151st day - 214 days follow

WEDNESDAY

31

MAY

~~247916USOPCT 283349USOPCT 27284USOPCT~~  
~~NA (ist)~~ ~~REL~~ ~~RD (ist)~~ ~~F5/26~~  
~~Allowed~~ ~~F5/22~~  
~~24958US3 28115US6 245008US3~~ ~~F5/27~~  
~~NA (ist)~~ ~~RD (ist)~~  
~~Allowed~~ ~~F5/21~~ ~~F5/31~~  
~~24921US3 28127US6 255579USP/1~~  
~~NA (ist)~~ ~~RD (ist)~~ ~~F5/15~~  
~~EXT 90 update~~ ~~F5/22~~  
~~237622USO 285993USOP 27755US52~~ ~~F5/15~~  
~~RD (ist)~~ ~~F5/22~~ ~~RD (ist)~~  
~~F5/11~~  
~~203772USG 28799US2 278385US6~~ ~~F5/11~~  
~~NA (ist)~~ ~~Resp to Nav - Acad Assign (w/E)~~  
~~F5/24~~ ~~F5/22~~  
~~245397USOPCT 280389US2 28355US52~~ ~~F5/22~~  
~~NA (ist)~~ ~~Resp to Nav - Resp~~  
~~Allowed~~ ~~F5/25~~  
~~252719US4 28708US8 28711US5~~ ~~F5/25~~  
~~NA (ist)~~ ~~RD~~  
~~27778US6 285927USO G.W.~~ ~~F5/21~~  
~~NA (ist)~~ ~~207/102/107D~~  
~~265989US3cont 282765US22~~ ~~F5/22~~  
~~RD (ist)~~ ~~F5/20~~  
~~23932USO D.W.~~ ~~F5/20~~  
~~NA (ist)~~ ~~Consistent Rec Due~~  
~~231809US3 282089USP~~ ~~F5/31~~  
~~NA (ist)~~ ~~F5/22~~  
~~27730USOPCT 28799US25~~ ~~F5/19~~  
~~REL/Free~~ ~~F5/31~~  
~~277308USOPCT 276709USOPCT~~ ~~F5/31~~  
~~REL~~ ~~F5/19~~  
~~27381USOPCT 272009USOPCT~~ ~~F5/31~~  
~~REL~~ ~~F5/19~~  
~~277532USOPCT 235542USO~~ ~~F5/31~~  
~~REL~~ ~~F5/19~~ ~~RD (ist)~~  
~~276214USO~~ ~~F5/31~~



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,615	11/08/2001	Somnath Mukherjee	249240US28	6611
22850	7590	03/22/2006		
C. IRVIN MCCLELLAND				
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.				
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
			EXAMINER	
			WELLS, KENNETH B	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED: 8/24/06  
 OBLON, SPIVAK, MCCLELLAND  
 MAIER & NEUSTADT, P.C.  
 DOCKETING DEPT.  
 Initials/Date Docketed: PP 8/24/06  
 Type of Resp(s):  
 Due Date(s):

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	10/010,615	MUKHERJEE	
	Examiner	Art Unit	
	WELLS	2816	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 5/31/06.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,615	11/08/2001	Somnath Mukherjee	249240US28	6611
22850	7590	05/31/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER WELLS, KENNETH B	
			ART UNIT 2816	PAPER NUMBER

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

**NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION**

The drawings filed 03 - 17 - 2004 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures A1 - A5 are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures 18 - 23 are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

**Return Corrected Drawings/Specification to:**  
Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450

Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division  
Customer Service: 571-272-4200  
1-888-786-0101

FORM PTO-1631 (REV. 10-03)

P.O. Box 1450, Alexandria, Virginia 22313-1450 - [www.USPTO.GOV](http://www.USPTO.GOV)

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DEC 28 2006

**FAX COVER SHEET**

FAX NUMBER	15712738300
FROM	charles mirho
DATE	2006-12-28 19:39:05 GMT
RE	FSP0354 (10/010,615) petition to withdraw holding of abandonment

**COVER MESSAGE**

Attorney Docket Number: FSP0354

Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS

Application Number: 10/010,615

Filing Date: Thursday, November 08, 2001

2 pages of petition to withdraw holding of abandonment

4 pages of amendment and response to notice of drawing  
inconsistency

3 pages of declaration from Oblon Spivak

2 pages of mail log evidence from Oblon Spivak

2 pages of notice of abandonment

2 pages of notice of drawing inconsistency

Authorization to charge deposit account (with petition)

1 page of Document transmittal

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**TRANSMITTAL LETTER**

for

Attorney Docket Number: FSP0354  
Client Reference Number: 249240US  
Title: LOSSY LINEARIZERS FOR ANALOG OPTICAL TRANSMITTERS  
Application Number: 10/010,615  
Filing Date: Thursday, November 08, 2001

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To:  
Mail Stop Petition  
Commissioner for Patents  
P.O Box 1450  
Alexandria, VA, 22313-1450, USA

**Contents of This Correspondence**

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2 pages of petition to withdraw holding of abandonment  
4 pages of amendment and response to notice of drawing inconsistency  
3 pages of declaration from Oblon Spivak  
2 pages of mail log evidence from Oblon Spivak  
2 pages of notice of abandonment  
2 pages of notice of drawing inconsistency  
Authorization to charge deposit account (with petition)  
1 page of Document transmittal

Submitted by:

Signature: /Charles A. Mirho/  
Charles A. Mirho

on Thursday, December 28, 2006.